



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

December 23, 2016

BY FACSIMILE AND CM/ECF

The Honorable John G. Koeltl
United States District Judge
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. David Schwartz*, S1 15 Cr. 835 (JGK)

Dear Judge Koeltl:

Trial in the above-captioned matter is scheduled for February 6, 2017. On December 21, 2016, counsel for the defendant filed a letter requesting a 30-day adjournment.

The Government respectfully submits that this request is meritless. Trial was initially scheduled for July 11, 2016 before being adjourned for approximately six months at the defendant's request. Although, as the defendant references in his letter, a superseding indictment was returned on November 28, 2016, the additional charges in that indictment relate the same underlying conduct and do not require any additional discovery or "re-review" of emails (of which, it is worth noting, there are far fewer than "1 million"). Dec. 21, 2016 Ltr. (Dkt. 57) at 1. Even if the charges did implicate new conduct (which, to be clear, they do not), the time between the superseding indictment and the scheduled trial date is sufficient to prepare—especially since the defendant was given advance notice of the potential for additional charges.

That said, although the Government initially opposed the defendant's request, the Government is willing to consent to an adjournment of 30-days or less for the convenience of counsel to the extent such an adjournment would not cause a longer delay in the trial date. If a brief adjournment would be impossible in light of the Court's schedule, however, the Government respectfully submits that in light of the significant period of time that has already elapsed since this case was charged, the Court should deny the adjournment.

Respectfully submitted,

PREET BHARARA
United States Attorney

By: /s/ Robert Allen
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CC: Counsel of Record (by CM/ECF)